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 Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF NEW YORK

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DANIEL ROMERO and JOANN RAGUSA,	:	Civ. No.: 09 Civ. 665 (ARR)
<i>Plaintiffs,</i>	:	PLAINTIFFS' NOTICE OF
-against-	:	MOTION FOR PARTIAL
BORDEN EAST RIVER REALTY LLC and	:	SUMMARY JUDGMENT
JOSEPH SIMONE,	:	AGAINST DEFENDANT
<i>Defendants.</i>	:	BORDEN EAST RIVER REALTY
	:	LLC ONLY PURSUANT TO
	:	<u>F.R.C.P. 56</u>

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WILLIAM LEE and SZUYU PAN,	:	
<i>Plaintiffs,</i>	:	
-against-	:	
BORDEN EAST RIVER REALTY LLC and	:	Civ. No.: 09 Civ. 1721 (ARR)
JOSEPH SIMONE,	:	
<i>Defendants.</i>	:	

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KYUNG YEOL SHIN,	:	
<i>Plaintiff,</i>	:	
-against-	:	
BORDEN EAST RIVER REALTY LLC and	:	Civ. No.: 09 Civ. 845 (ARR)
JOSEPH SIMONE,	:	
<i>Defendants.</i>	:	

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LORA KAYE,	:	
<i>Plaintiff,</i>	:	
-against-	:	
BORDEN EAST RIVER REALTY LLC and	:	Civ. No.: 09 Civ. 1228 (ARR)
JOSEPH SIMONE,	:	
<i>Defendants.</i>	:	

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JOHN GAENZLER and SARA MOSCOSO-
GAENZLER, :
 :
 : *Plaintiffs,* :
 :
 : -against- : Civ. No.: 09 Civ. 1303 (ARR)
 :
 BORDEN EAST RIVER REALTY LLC and :
 JOSEPH SIMONE, :
 :
 : *Defendants.* :
 :
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ANTHONY ALLICINO, :
 :
 : *Plaintiff,* :
 :
 : -against- : Civ. No.: 09 Civ. 1455 (ARR)
 :
 BORDEN EAST RIVER REALTY LLC and :
 JOSEPH SIMONE, :
 :
 : *Defendants.* :
 :
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JULIE and DAVID LIEVRE, :
 :
 : *Plaintiffs,* :
 :
 : -against- : Civ. No.: 09 Civ. 1984 (ARR)
 :
 BORDEN EAST RIVER REALTY LLC and :
 JOSEPH SIMONE, :
 :
 : *Defendants.* :
 :
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ZACK FERGUSON-STEGER, :
 :
 : *Plaintiff,* :
 :
 : -against- : Civ. No.: 09 Civ. 1196 (ARR)
 :
 BORDEN EAST RIVER REALTY LLC and :
 JOSEPH SIMONE, :
 :
 : *Defendants.* :
 :
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TO: Bruce H. Lederman, Esq.
D'Agostino, Levine & Landesman, LLP
345 7th Avenue, 23rd Floor
New York, NY 10001
Attorneys for Defendants

PLEASE TAKE NOTICE that on a date and time to be scheduled by the Court, the undersigned, attorneys for plaintiffs, shall apply to the United States District Court, Eastern

District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201 for an Order granting plaintiffs the right to rescind their purchase agreements, obtain the return of their deposits, plus accrued interest, and allowing plaintiffs to apply to the Court for reimbursement of their attorneys' fees and costs.

PLEASE TAKE FURTHER NOTICE that in support of this motion, the undersigned shall rely upon the accompanying Brief, Declaration of Lawrence C. Weiner, Declaration of Bruce Letterman (to be filed by defendants), and the Parties' Joint Statement of Undisputed Material Facts Pursuant to Local Civil Rule 56.1.

PLEASE TAKE FURTHER NOTICE that movant requests oral argument.

A proposed form of Order is submitted herewith.

WILENTZ, GOLDMAN & SPITZER, P.A.
Attorneys for Plaintiffs

By: 

LAWRENCE C. WEINER

Dated: December 4, 2009